

REMARKS

By the present Amendment, claims 12, 17 and 26 are amended and claims 28 and 29 are added. This leaves claims 12-29 pending in the application, with claims 12 and 26 being independent.

Claim 17 is revised to correct a translation error.

Rejections Under 35 U.S.C. §§ 102 and 103

Claim 12 covers a method of producing a foam element 1 comprising placing a fleece with a ferromagnetic coating directly thereon facing and engaging a wall of a foam mold. The coating extends across the entire surface of the fleece facing the foam mold wall. A magnetic field is produced and cooperates with the ferromagnetic coating to hold detachably the fleece in position on the wall of the foam mold. The foam element is molded in the foam mold with the fleece on the mold wall. The foam mold element is removed from the foam mold with the fleece embedded into a surface of the foam element as a barrier layer.

Claim 26 covers a foam element comprising a body of molded foam material and a barrier layer on one surface of the body. The barrier layer is a fleece with a ferromagnetic coating directly on it. The fleece is embedded into the surface of the body. The coating extends entirely across a surface of the fleece.

By forming the foam element in this manner, an efficient and effective production procedure is provided and an improved product is obtained. The ferromagnetic coating securely holds the fleece in place detachably in the mold, while the fleece forms a permanent connection

with the molded body by the foam material becoming embedded in the fleece. Also, the fleece with its ferromagnetic coating provides a protective barrier layer on the foam element.

Claims 12, 18, 26 and 27 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,286,431 to Banfield. The Banfield patent is cited for disclosing a method of producing a molded product in which the fastener has a fleece layer 6 (column 8, line 68 - column 9, lines 1-3) in which a ferromagnetic coating extends across the entire surface of the fastener. The ferromagnetic coating can comprise polyurethane ferromagnetic material. The ferromagnetic coating is allegedly applied using a knife coater in the Banfield method. The fastener is placed against the mold wall producing a magnetic field to hold the fastener in place. Additionally, it is alleged that the claims do not require a ferromagnetic coating be applied directly to the fleece layer.

As presently amended, independent claims 12 and 26 expressly recite that the ferromagnetic coating is directly on the fleece layer. In contrast, the Banfield ferromagnetic coating 7 is not on the fleece layer, but is spaced from it by the fastener parts. The Banfield patent does not anticipate or render obvious a method of using a fleece with a ferromagnetic coating directly thereon or a foam element having a fleece with a ferromagnetic coating directly thereon. Only by such direct coating of the ferromagnetic material on the fleece can the fleece alone be secured in the mold and attached to the foam body, with the ferromagnetic coating on the exposed surface of the fleece in the finished product.

Thus, claims 12 and 26 are patentably distinguishable over the Banfield patent. None of the other cited patents cure these deficiencies in the Banfield patent.

Claims 13-25 and 29, being dependent upon claim 12, and claims 27 and 28, being dependent on claim 26 are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the polyester of claim 13, the ferromagnetic coating rate of claim 14, the ferromagnetic coating composition of claims 15-17, the ferromagnetic coating application methods of claims 18-25, the ferromagnetic coating remote from the body of claim 26 and fleece surface free of the ferromagnetic coating of claims 28 and 29 are not anticipated or rendered obvious, particularly within the claimed combinations.

Claim 19 stands rejected under 35 U.S.C. § 103 as being unpatentable over the Banfield patent. In support of this rejection, it is contended that applying the ferromagnetic coating by a nozzle would have been obvious. Since no evidentiary support for such allegation of obviousness is submitted, no prima facie case of obviousness is presented.

Claims 13-17 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Banfield patent, when further considered in view of the newly cited EP 457226 to Von. The Von patent is cited for the use of a polyester fleece. Additionally, the amount of polyester and the amount of the ferromagnetic coating are alleged to be obvious. However, no evidentiary basis or motivation is presented to support the proposed combination of using the Von fleece on a foam molded body. Also, as to the amounts of polyester and ferromagnetic coating, no evidence teaches varying these amounts is obvious.

Claims 20 and 23-25 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Banfield patent, when further considered in view of U.S. Patent No. 2,9009,442 to Persoon in view of U.S. Patent No. 3,497,411 to Chebiniak. In support of the rejection, it is contended that

it would be obvious to use ribbon transfer to apply the coatings as allegedly taught by the Persoon and Chebiniak patents. However, the Persoon and Chebiniak patents are non-analogous to the making of the foam products of the Banfield patent, and thus, not obvious to combine therewith.

Claims 12, 18, 19, 21, 22, 26 and 27 stand rejected under 35 U.S.C. § 103 as being unpatentable over the allegedly admitted prior art (the substitute specification, page 2, paragraph 1) in view of the Banfield patent and the newly cited Japanese Patent No. 386102 to Harada. The allegedly admitted prior art is relied upon for a method of forming a foam padding seat with a barrier layer placed in the mold. In support of the rejection, it is alleged that a ferromagnetic coating, as allegedly taught by the Banfield patent, would be obvious to use on the allegedly admitted prior art fleece. The use of a knife coater is allegedly taught in the Banfield patent. The use of a nozzle coating step is considered obvious. The Harada patent is cited for injection molding of foam resin onto a barrier layer.

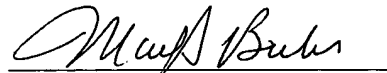
However, as noted above the Banfield patent only teaches a ferromagnetic coating on fastener hooks 2 or loops 3, and not directly on a fleece layer. In failing to equate the Banfield fastener to the barrier layer of the alleged admitted prior art or the Harada patent, the statement of the rejection fails to present a prima facie case of obviousness.

Claims 13-17 also stand rejected under 35 U.S.C. § 103 as being unpatentable over the admitted prior art, the Banfield and Harada patents, when further considered in view of the Von patent. Such claims are patentably distinguishable for the reasons advanced above.

Claims 20 and 23-35 stand rejected as being unpatentable over the admitted prior art, the Banfield, Harada, Persoon and Chebiniak patents. Such claims are patentably distinguishable for the reasons advanced above.

In view of the foregoing, claims 12-29 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



Mark S. Bjicks
Reg. No. 28,770

• Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W.
Suite 600
Washington, DC 20036
(202)659-9076

Dated: April 5, 2004